

## BOARD OF APPEALS MINUTES

May 13, 2003

On Tuesday May 13, 2003 at 7 p.m. the Town of Clarence Zoning Board of Appeals will hear the following requests for variances:

APPEAL NO I James & Melanie Galligan Agricultural	Requests the Board of Appeals approve and grant a two hundred foot (200') variance creating a three hundred foot (300') front lot line setback for the construction of a new home at 8715 Wolcott Road.
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APPEAL NO I is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO II Kevin Kolek Agricultural	Requests the Board of Appeals approve and grant a sixty foot (60') variance creating one hundred sixty foot (160') front lot line setback for the construction of a new single family home at 8015 Northfield Road.
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APPEAL NO II is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO III Jason Reitmeier Agricultural	Requests the Board of Appeals approve and grant a fifty foot (50') variance creating a one hundred fifty (150') front lot line setback for the construction of a new single family home at 8045 Northfield Road..
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APPEAL NO III is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO IV Richard Boxhorn Agricultural	Requests the Board of Appeals approve and grant a fifty five foot (55') variance creating a one hundred foot (100') front lot line setback for construction of a new single family home at 10390 Keller Road.
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APPEAL NO IV is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO V	Requests the Board of Appeals approve and grant a
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Leonard Baldwin  
Agricultural

forty foot (40') variance creating a one hundred two foot (102') front lot line setback for the construction of a new single family home at 8755 Wolcott Road.

APPEAL NO V is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO VI  
Alan & Jean Wilds  
Residential A

Requests the Board of Appeals approve and grant permission to place a one hundred twenty square foot (120 sq ft ) shed on their vacant lot adjacent to their home at 8135 Donna Place.

APPEAL NO VI is in variance to Article II, section 30-9, uses.

APPEAL NO VII  
Johnine Gunsalus  
Residential B

Requests the Board of Appeals approve and grant placement of above ground pool at 8117 Red Clover with either:  
1. A side yard setback variance of five feet (5') creating a five foot (5') side yard setback.  
2. A ten foot (10') front yard setback creating a thirty five foot (35') front yard setback.

APPEAL NO VII is in variance to L.L. Chapter 196, swimming pools.

APPEAL NO VIII  
John Ponicki  
Agricultural

Requests the Board of Appeals approve and grant an eight foot (8') variance creating a two foot (2') lot line for placement of a shed at 6420 Conner Road.

APPEAL NO VIII is in variance to article V, section 30-27 C, size of yards.

APPEAL NO IX  
Salvatore LaGambina  
Agricultural

Requests the Board of Appeals approve and grant a one hundred foot (100') variance creating a three hundred foot (300') front lot line setback for construction of a new home at 8945 Sesh Road.

APPEAL NO IX is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO X  
Julie Kozlowski  
Agricultural

Requests the Board of Appeals approve and grant a one hundred fifty foot (150') variance creating a two hundred fifty foot (250') front lot line setback for construction of a new home at 9070 Sesh Road.

APPEAL NO X is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO XI

Requests the Board of Appeals approve and grant

Daniel Garrett  
Agricultural

two variances:

1. A twenty foot (20') variance creating a five foot (5') rear lot line for placement of a shed at 9622 Deerview Lane.
2. A five foot (5') variance creating a five foot (5') side lot line for placement of shed.

APPEAL NO XI is in variance to Article V, section, 30-27 C, size of yards.

APPEAL NO XII  
William Saskowski  
Residential A

Requests the Board of Appeals approve and grant three variances:

1. A three point seven foot (3.7') variance creating a one point three foot (1.3') side yard setback for the construction of a garage at 4374 Harris Hill Road.
2. An eight foot (8') height variance creating a twenty four foot (24') high accessory structure.
3. A six hundred eighty four square foot (684 sq.ft.) variance creating a one thousand four hundred four square foot (1404 sq.ft.) two story detached garage at 4374 Harris Hill Road.

APPEAL NO XII is in variance to Article II, section 30-13 A & B, accessory buildings.

APPEAL NO XIII  
Ronald & Debbie Schmidt  
Residential A

Requests the Board of Appeals approve and grant a seven foot variance (7') creating a thirty eight foot (38') front lot line setback for an addition to 6340 Goodrich Road.

APPEAL NO XIII is in variance to Article II, section 30-12 A, size of yards.

ATTENDING:	John Brady	Ron Newton	Eric Heuser
	John Gatti	Raymond Skaine	

INTERESTED PERSONS:	James Galligan	Jason Reitmeier
	Kevin Kolek	Leonard Baldwin
	Diane Boxhorn	Alan & Jean Wilds
	Johnine Gunsalus	John Ponicki
	Salvatore LaGambina	Julie Kozlowski
	Ken Fetter	Dan Garrett
	William Saskowski	Ron Schmidt

APPEAL NO I

Requests the Board of Appeals approve and grant a two

James & Melanie Galligan  
Agricultural

hundred foot (200') variance creating a three hundred foot (300') front lot line setback for the construction of a new home at 8715 Wolcott Road.

DISCUSSION:

The builder said they are in a flood zone, and there are a lot of big trees out in front. They are trying to save the trees and put the septic in the front of the lot. Ray Skaine said he did not like it, it is too far back for the area. Mr. Galligan said they had a surveyor come out and stake the house at 238 feet. They applied for 300 and it is really 238. There is another application for 8755 Wolcott and they are asking for a 102 foot setback. Mr. Galligan said they do not have trees down there to work around. The neighbor at 8755 said there are some pretty thick woods between them. Mr. Skaine said he is more worried about who will live right next door. The only way they can grant this is to step the next person coming in for a variance down. Ron Newton said we either have to bring these people forward and the other people back. The neighbor said he wasn't looking to go back farther because his next door neighbor to the east is at sixty feet. We also have trees between the two of us. He doesn't have a problem with my setback. Ray Skaine said if we made the motion not to exceed 230 feet with a plus or minus 5' would that be acceptable? Yes, it would be acceptable. Then if he came in at 170' or 175' if he agrees to go back another 30 feet. Ron Newton said we have two lots to jiggle. What we are trying to do is protect backyard privacy.

ACTION:

Motion by Raymond Skaine, seconded by Ron Newton to approve Appeal No I with the variance set at 130' creating a 230' setback for the home at 8715 Wolcott Road.

ALL VOTING AYE. MOTION CARRIED.

Kevin Kolek  
Agricultural

foot (60') variance creating a one hundred sixty foot (160') front lot line setback for the construction of a new single family home at 8015 Northfield Road.

DISCUSSION:

Mr. Kolek said there are two beautiful Maple trees that he doesn't want to cut down, and many other trees in the front of the property. He doesn't want to hear road noise, and he wants some privacy. Their new home has a front porch and the Maple trees would be in front of the porch. The next door neighbor is here tonight and asking for a 150 foot setback. The Board agreed to give the applicant some latitude to save the Maple trees. He may have to go back an additional ten feet.

ACTION:

Motion by Ron Newton, seconded by Raymond Skaine to approve Appeal No II with the proviso that if possible the applicant be given a little leeway on his measurements to save the trees not to exceed ten additional feet.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO III  
Jason Reitmeier  
Agricultural

Requests the Board of Appeals approve and grant a fifty foot (50') variance creating a one hundred fifty foot (150') front lot line setback for the construction of a new single family home at 8045 Northfield Road.

DISCUSSION:

Mr. Reitmeier said he would like to keep in line with the other homes, as well as for privacy and curb appeal. No one had any questions, due to the fact the next door neighbor received a setback variance tonight that is compatible with this request.

ACTION:

Motion by Raymond Skaine, seconded by Ronald Newton to approve Appeal No III as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO IV  
Richard Boxhorn

Requests the Board of Appeals approve and grant a fifty five foot (55') variance creating a one hundred foot (100')

Agricultural

front lot line setback for construction of a new single family home at 10390 Keller Road.

DISCUSSION:

The applicant said they would like to keep as many trees as on the lot as they can. They have grandchildren and would like to sit back at one hundred feet. There are several homes on Keller that are way back. Ray Skaine said he didn't like the location, the neighbor to the west is exposed. Ray Skaine said he wants to see it staked where the house is going to be located not just the setback. The house is going to have a side load garage which will push it even farther to the west. Ron Newton said he had the same feeling, that the privacy of the house to the west is not protected. Perhaps you could put your garage on the other side, or pull the house forward. Eric Heuser said he would prefer to see the house come forward, at least enough to take away from looking directly in to the neighbors. Ray said he is not in favor of pulling the house forward, he wants it to move further to the east if they have to go to a side load garage on the west. It gives the neighbors some degree of privacy.

ACTION:

Motion by Raymond Skaine, seconded by Ronald Newton to table this until there is more information, and stakes are put in for the house and where your family room is to the plans you have. It will give us the ability to stand at your front door, and say what are we going to see? That is what we want to do.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO V  
Leonard Baldwin  
Agricultural

Requests the Board of Appeals approve and grant a forty foot (40') variance creating a one hundred two foot (102') front lot line setback for the construction of a new single family home at 8755 Wolcott Road.

DISCUSSION:

The applicants neighbor has a setback of 62 feet. There will be screening between the neighbor and Mr. Baldwin. And will be provided by the applicant. The garage is a front load garage. John Gatti suggested installing some poles to prevent cars from landing on his property.

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ACTION:

Motion by Raymond Skaine, seconded by Ronald Newton to approve Appeal No V as written with the addendum that property line screening will be provided for the existing

neighbor.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO VI  
Alan & Jean Wilds  
Residential A

Requests the Board of Appeals approve and grant permission to place a one hundred twenty square foot (120 sq ft) shed on their vacant lot adjacent to their home at 8135 Donna Place.

DISCUSSION:

The applicant stated that this is the most logical place for them to place the shed. They will probably put some evergreens in to hide it. There are lilac bushes all along there. They will have siding to match the house.

ACTION:

Motion by Raymond Skaine, seconded by Eric Heuser to approve Appeal No VI as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO VII  
Johnine Gunsalas  
Residential B

Requests the Board of Appeals approve and grant placement of above ground swimming pool at 8117 Red Clover with either:

1. A side yard setback variance of five feet (5') creating a five foot (5') side yard setback.
2. A ten foot (10') front yard setback creating a thirty five foot (35') front yard setback.

DISCUSSION:

The neighbors prefer the second choice. The pool will be 24 foot round. They have worked this out with the building department and Marty Root has laid it all out. These were the options. Ron Newton said if we approve this we can delete the first option.

ACTION:

Motion by Ronald Newton, seconded by John Gatti to approve Appeal No VII as written deleting the first option as being not necessary, and accepting the appeal with the second option as the acceptable variance.

ALL VOTING AYE. MOTION CARRIED.

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APPEAL NO VIII  
John Ponicki  
Agricultural

Requests the Board of Appeals approve and grant an eight foot (8') variance creating a two foot (2') lot line for the placement of a shed at 6420 Conner Road.

DISCUSSION:

Mr. Ponicki said his lot is narrow (100') there is an existing fence, and an in ground pool in back of the house. He needs more storage space, he can't park one of his cars in the garage. The only logical place is to put it at the end of the driveway. Eric Heuser said he doesn't like to see something so close to the line, but there isn't much of a choice here.

ACTION:

Motion by Raymond Skaine, seconded by Eric Heuser to approve Appeal No VIII as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO IX  
Salvatore LaGambina  
Agricultural

Requests the Board of Appeals approve and grant a one hundred foot (100') variance creating a three hundred foot (300') front lot line setback for construction of a new home at 8945 Sesh Road.

DISCUSSION:

Mrs. LaGambina said they would like to build flower gardens and a pond on the property. Ronald Newton said he is not in favor of three hundred feet, they are trying to establish a reasonable line. They didn't want to be right in line with the barn next door, they would be if they built at 200 feet. Ray Skaine said they already established the 200' line, and he is not in favor of 300 feet. There is an old farm house next to them, then an open lot. In September 2002 a variance was granted for a 300 foot setback at 8915 Sesh Road for Ann Marie Kramer. Ray Skaine suggested 250 feet. They agreed not to exceed 275 feet. That will get them behind the barn.

ACTION:

Motion by John Gatti, seconded by Ronald Newton to approve Appeal No IX with a setback not to exceed 275 feet.

ALL VOTING AYE. MOTION CARRIED.

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APPEAL NO X  
Julie Kozlowski  
Agricultural

Requests the Board of Appeals approve and grant a one hundred fifty foot (150') variance creating a two hundred fifty foot (250') front lot line setback for construction of a new home at 9070 Sesh Road.



DISCUSSION:

The Board of Appeals decided to table the request of the Kozlowski's because of the concern of the neighbors privacy. Neighbor, Ken Fetter expressed his concerns that if the Kozlowski's build their house where they are requesting, he would be losing his backyard privacy. Julie Kozlowski assured the board that a buffer with evergreens would be planted.

MOTION:

Motioned by Ray Skaine, seconded by Ron Newton to table the request for a site meeting to be held on Saturday, May 24, 2003 at 10:00 A.M. Attending the site meeting will be the Kozlowski's, the Fetter's, the Board of Appeals and Jim Callahan. Ray Skaine requested the Kozlowski's to use their survey and physically stake their property where 100 feet would be from the wetlands for the house. Ray also requested a copy of the minutes of approval for the properties located at 8915 and 8870 Sesh Road to be used as comparison.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO XI  
Daniel Garrett  
Agricultural

Requests the Board of Appeals approve and grant two variances:

1. A twenty foot (20') variance creating a five foot (5') rear lot line for placement of a shed at 9622 Deerview Lane.
2. A five foot (5') variance creating a five foot (5') side lot line for placement of shed.

DISCUSSION:

Daniel Garrett is asking for consideration for Residential A setbacks on his lot. The property was designed and built as a residential A lot. The application is to allow a shed with residential A setbacks.

MOTION:

Motioned by Ray Skaine, seconded by Ron Newton to approve Appeal No XI as written for two variances:

1. A twenty foot (20') variance creating a five foot (5') rear lot line for placement of a shed at 9622 Deerview Lane.

2. A five foot (5') variance creating a five foot (5') side lot line for placement of shed.

APPEAL NO XII  
William Saskowski  
Residential A

Requests the Board of Appeals approve and grant three variances:

1. A three point seven foot (3.7') variance creating a one point three foot (1.3') side yard setback for the construction of a garage at 4374 Harris Hill Road.
2. An eight foot (8') height variance creating a twenty four foot (24') high accessory structure.
3. A six hundred eighty four square foot (684 sq. ft.) variance creating a one thousand four hundred four square foot (1404 sq. ft.) two story detached garage at 4374 Harris Hill Road.

DISCUSSION:

William Saskowski stated that he currently has a small one (1) car garage on his property. He would like a two (2) story garage for his vehicles and for extra storage. One of his concerns is that sewer septic systems are in his area and if he was to go any farther over, it would run into the septic.

He would also like to use the existing pad as part of his driveway to co-inside with his garage.

Ray Skaine questioned Mr. Saskowski if existing garage is coming down. Mr. Saskowski replied, "Yes".

Eric Heuser stated his concerns were of the height of the structure. He had questioned whether Mr. Saskowski's garage would be noticeably higher than existing structures in the neighborhood. Mr. Saskowski response was that his next door neighbor has a 22' high attached garage. Mr. Saskowski stated that most of his garage would be behind his house and not visible to the street. He also stated that a pole barn was currently built two houses away from him. Eric Heuser asked if the total square footage is going to be 1404 square feet. Mr. Saskowski informed him that the base footprint is going to be 684 square feet and the extra footage will be the second (2<sup>nd</sup>) story.

Ron Newton questioned what the garage would look like. Mr. Saskowski described it as colonial line to match the house structure. Ron asked if the height request includes

the cupola. Mr. Saskowski replied, "Yes".

John Gatti questioned Mr. Saskowski if he ever was in his neighbor's structure at 4386 Harris Hill Road. Mr. Saskowski replied "No". John Gatti stated that the neighbor's structure was 7 feet lower than what Mr. Saskowski is requesting. John Gatti stated that he is not in favor of Mr. Saskowski's height request. John Gatti said he would like to set a precedent for that neighborhood. Ron Newton added that the Board could also refuse the request by enforcing the Town Law that states only two variances per piece of property may be applied. Mr. Gatti suggested to Mr. Saskowski to look into his neighbor's structure for possible ideas on lowering the height and bringing the roof line down.

**ACTION:**

Motioned by Ray Skaine, seconded by John Gatti to approve two (2) out of the three (3) variances.

- 1 - A three point seven foot (3.7') variance creating a one point three foot (1.3') side yard setback for the construction of a garage at 4374 Harris Hill Road.
- 3 - A six hundred eighty four square foot (684 sq. ft.) variance creating a one thousand four hundred four square foot (1404 sq. ft.) two story detached garage at 4374 Harris Hill Road.

**ALL VOTING AYE. MOTION CARRIED.**

Motioned by Ray Skaine, seconded by John Gatti to table Appeal No. XII (2) variance request:

- 2 - An eight foot (8') height variance creating a twenty four foot (24') high accessory structure.
- until the next meeting on June 10, 2003.

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VOTING AYE:	John Gatti
	Ron Newton
	Raymond Skaine
	Eric Heuser
VOTING NAY:	John Brady

APPEAL NO XIII  
Ronald & Debbie Schmidt  
Residential A

Requests the Board of Appeals approve and grant a seven foot variance (7') creating a thirty eight foot (38') front lot line setback for an addition to 6340 Goodrich Road.

DISCUSSION:

Ronald Schmidt stated that he would like build a porch onto the front of his house. Ron Newton questioned if there will be a roof overhead and if the porch will be open. Ronald Schmidt replied "Yes" to both of these questions.

ACTION:

Motion by John Brady, seconded by Ray Skaine to approve Appeal No XII as written and grant a seven foot variance (7 ft.) creating a thirty eight foot (38') front line setback for an addition to 6340 Goodrich Road.

ALL VOTING AYE. MOTION CARRIED.

MINUTES  
approve

Motion by Ray Skaine, seconded by Eric Heuser to  
the minutes of the meeting held on April 8, 2003 as written.

ALL VOTING AYE. MOTION CARRIED.

Meeting adjourned at 9:30 p.m.  
John Brady, Chairman